

### **REMARKS**

Claims 1-7, 12-18, and 38-41 are pending. Claims 49-50 are new. And, claims 1-7, 12-18, and 38-41 stand rejected under 35 USC § 103. Applicant respectfully traverses the rejections in light of the amendments and the following remarks.

#### **Applicant requests interview**

Applicant respectfully requests an interview if it would expedite disposition of the application. The undersigned attorney would welcome and encourage a telephone conference with Examiner at (512) 243-5936.

#### **Amendments to the claims**

Support for the new claims can be found in, e.g., paragraphs 20 and 45. These claims do not introduce new matter and are consistent with the prior claim elections.

#### **Claim rejections under 35 USC § 103(a)**

The Office action rejected claims 1-7, 12, 15-18, 38-39, and 41 under 35 USC § 103(a) as being unpatentable over Girard, U.S. Patent No. 7,093,124 (hereinafter referred to as “Girard”) in view of Dayan et al., U.S. Patent App. No. 2002/0188837 (hereinafter referred to as “Dayan”) and in further view of Rothman et al., U.S. Patent App. No. 2004/0267926 (hereinafter referred to as “Rothman”).

To establish a prima facie case of obviousness, the modification or combination must teach or suggest all of Applicants’ claim limitations.<sup>1</sup>

The combination of Girard, Dayan, and Rothman fails to establish a prima facie case of obviousness for independent claims 1, 13 and 15 because the combination fails to teach or suggest all of Applicants’ claim limitations. In particular, the combination fails to teach or suggest generating a wake-on-LAN packet with a partition identification that comprises an address of a bootable image within a local resource of a remote client.

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<sup>1</sup> *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

As indicated in the Office action, Girard does not expressly describe a wake-on-LAN packet with a partition identification.<sup>2</sup> Thus, Girard fails to teach or suggest “generating of a wake-on-LAN packet with a partition identification ...comprising an address of a location of the bootable image... within a local resource of the remote client....”

Dayan teaches generation of a magic packet with one or more bits that indicate to either boot from the hidden partition or not to boot from hidden partition.<sup>3</sup> Dayan indicates that the network interface card will set bits in a register to either boot from the hidden partition or not based upon the magic packet.<sup>4</sup> Dayan also teaches inserting directive information from a magic packet into a register of the network interface card to boot from the designated partition.<sup>5</sup> However, Dayan does not teach or suggest “generating a wake-on-LAN packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client....”

Rothman teaches access of firmware that executes independent of the operating system in a remote computer system.<sup>6</sup> As highlighted in the rejection, Rothman also teaches passing code to the firmware for execution by the firmware<sup>7</sup> and accessing a memory location in the remote computer system.<sup>8</sup> In particular, Rothman describes a packet that includes an address of a memory location in the remote computer system and an instruction to read from or write to the memory location.<sup>9</sup> Rothman does not teach inclusion of a memory address of a location of a bootable image within a local resource of the remote computer system.

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<sup>2</sup> Office action dated June 11, 2008, at pg 4.

<sup>3</sup> See Dayan at par. 42.

<sup>4</sup> See Dayan at par. 35.

<sup>5</sup> See Dayan at par. 8.

<sup>6</sup> See Rothman at Abstract.

<sup>7</sup> See Rothman at par. 33.

<sup>8</sup> See Rothman at par. 37.

<sup>9</sup> See Rothman at par. 37.

The combination of Girard, Rothman, and Dayan teaches a authentication of a communication with a remote computer system that can provide one or more bits to indicate to the remote computer system to either boot from the hidden partition or not to boot from hidden partition and also can send a packet to instruct the remote computer system to read or write from a memory address within the remote system. This is different from and does not teach or suggest selecting the bootable image that comprises software to determine the trustworthiness of a software application on a maintenance server prior to executing the software application; generating a wake-on-LAN packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client; and transmitting the wake-on-LAN packet to the remote client to wake up the remote client and to instruct a pre-boot application of the remote client to boot via the bootable image. In other words, Girard, Rothman, and Dayan neither individually nor in combination teach or suggest selection of a bootable image comprising software to determine the trustworthiness of a software application on a maintenance server and creation of a wake-on-LAN packet comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client.

To establish a prima facie case of obviousness, the combination must teach or suggest all of Applicants' claim limitations.<sup>10</sup> The combination fails to teach or suggest all of Applicants' claim limitations. Thus, the combination of Girard, Rothman, and Dayan fails to establish a prima facie case of obviousness. Applicant respectfully traverses the rejections with respect to claims 1, 13, and 15 and, thus, requests that the rejections be withdrawn and claims be allowed.

Furthermore, the combination of Girard, Dayan, and Rothman fails to establish a prima facie case of obviousness for dependent claims 48, 49, and 50 because the combination fails to teach or suggest all of Applicants' claim limitations. In particular, the combination fails to teach or suggest generating a wake-on-LAN packet with a

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<sup>10</sup> *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

parameter for the bootable image, the parameter to instruct the bootable image to initiate the software application.

Girard teaches access to an authentication stack by a firmware to authenticate the server and boot code from the server.<sup>11</sup> Girard fails to teach or suggest “generating a wake-on-LAN packet with a partition identification ...comprising an address of a location of the bootable image... and a parameter for the bootable image... to instruct the bootable image to initiate the software application on the maintenance server ....”

Dayan teaches generation of a magic packet with one or more bits that indicate to either boot from the hidden partition or not to boot from hidden partition.<sup>12</sup> Dayan indicates that the network interface card will set bits in a register to either boot from the hidden partition or not based upon the magic packet.<sup>13</sup> Dayan also teaches inserting directive information from a magic packet into a register of the network interface card to boot from the designated partition.<sup>14</sup> However, Dayan does not teach or suggest “generating a wake-on-LAN packet with a partition identification, the partition identification comprising an address of a location of the bootable image, to identify the location within a local resource of the remote client and a parameter for the bootable image, the parameter to instruct the bootable image to initiate the software application on the maintenance server....”

Rothman teaches access of firmware that executes independent of the operating system in a remote computer system.<sup>15</sup> As highlighted in the rejection, Rothman also teaches passing code to the firmware for execution by the firmware<sup>16</sup> and accessing a memory location in the remote computer system.<sup>17</sup> In particular, Rothman describes a packet that includes an address of a memory location in the remote computer system and an instruction to read from or write to the memory location.<sup>18</sup> Rothman does not teach

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<sup>11</sup> Girard at col. 7, lines 10-19.

<sup>12</sup> See Dayan at par. 42.

<sup>13</sup> See Dayan at par. 35.

<sup>14</sup> See Dayan at par. 8.

<sup>15</sup> See Rothman at Abstract.

<sup>16</sup> See Rothman at par. 33.

<sup>17</sup> See Rothman at par. 37.

<sup>18</sup> See Rothman at par. 37.

inclusion of a memory address of a location of a bootable image within a local resource of the remote computer system.

To establish a prima facie case of obviousness, the combination must teach or suggest all of Applicants' claim limitations.<sup>19</sup> The combination fails to teach or suggest inclusion of a parameter in the packet to instruct the bootable image to initiate a software application on a maintenance server. Thus, the combination of Girard, Dayan, and Rothman fails to establish a prima facie case of obviousness. Applicant respectfully traverses the rejections with respect to dependent claims 48, 49, and 50 and, thus, requests that the rejections be withdrawn and claims be allowed.

In addition, claims dependent upon independent claims 1, 13, and 15, include the limitations of the claims upon which they rely. Thus, the combination of Girard, Dayan, and Rothman fails to establish a prima facie case of obviousness for the claims dependent upon claims 1, 13, and 15. Applicant respectfully traverses the rejections with respect to the dependent claims and requests that the rejections be withdrawn and the claims be allowed.

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<sup>19</sup> *In re Royka*, 490 F.2d 981, 985, 180 USPQ 580, 583 (CCPA 1974).

**CONCLUSION**

Applicant respectfully addresses the objections and traverses the claim rejections under 35 USC § 103. Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the Office action. In light of the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Thus, Applicant requests that the rejections be withdrawn, pending claims be allowed, and application advance toward issuance.

A request for an extension as well as an extension fee accompany this action. No other fee is believed due with this paper. However, if any fee is determined to be required, the Office is authorized to charge Deposit Account 50-0563 for any such required fee.

Respectfully submitted,

June 5, 2009

/Jeffrey S. Schubert/

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Date

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